

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

SHIRLEY L. SMITH,	:	
	:	
Plaintiff,	:	CIVIL NO. 2002-227 (STT)
	:	
v.	:	
	:	
VIRGIN ISLANDS PORT	:	
AUTHORITY, et al.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 29th day of August, 2008, upon consideration of Defendants Virgin Islands Port Authority (“VIPA”) and VIPA Governing Board’s Motion for Partial Summary Judgment as to Plaintiff’s Claims of Sexual Harassment, Hostile Work Environment and Constructive Discharge (Doc. No. 267) and Defendants’ Memorandum of Fact and Law (Doc. No. 262), pro se Plaintiff Shirley L. Smith’s Response in opposition thereto (Doc. No. 245), Defendants’ Reply (Doc. No. 254), Plaintiff’s Cross-Motion for Partial Summary Judgment (Doc. No. 151), Defendants’ Written Supplement to Oral Arguments (Doc. No. 328), Plaintiff’s Court-Allowed Supplemental Pleas on Plaintiff’s Retaliation Claim (Doc. No. 336), and Defendants’ Response to Court-Allowed Supplemental Pleas on Plaintiff’s Retaliation Claim (Doc. No. 345), it is hereby ORDERED that Defendants’ Motion for Partial Summary Judgment (Doc. No. 267) is GRANTED and Plaintiff’s Cross-Motion (Doc. No. 151) is DENIED. Accordingly, judgment is entered in favor of Defendants and against Plaintiff on Count II (hostile work environment and violation of Title VII), Count IV (retaliation and intentional discrimination), and Count X (wrongful discharge), which alleges constructive discharge in violation of the Wrongful Discharge Act, 24 V.I.C. § 76.

It is FURTHER ORDERED that the claims disallowed and dismissed pursuant to this Order as to the Plaintiff's Second Amended Complaint are also disallowed and dismissed from Plaintiff's Third Amended Complaint, if asserted therein.

S/ James T. Giles
HONORABLE JAMES T. GILES
UNITED STATES DISTRICT JUDGE
(Sitting By Designation)